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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 ABDULLAH MUJAHID,

10 Plaintiff,

11 v.

12 KATHY HARRIS, *et al.*,

13 Defendants.

No. 09-5601FDB/JRC

ORDER

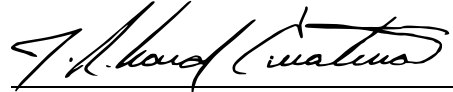
14 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
15 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local
16 Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the Court is plaintiff's motion
17 asking that the Court appoint counsel (Dkt. # 9).

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19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
20 Although the court, under 28 U.S.C. § 1915(e) (1), can request counsel to represent a party, the
21 court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331
22 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616
23 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
24 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*
25 *se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.
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1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* (Dkt # 7). This case
2 is not in a posture where the court can determine the likelihood of success on the merits.

3 Plaintiff's Motion to Appoint Counsel (Dkt. # 9) is **DENIED**.

4 DATED this 23rd day of November, 2009.

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8 J. Richard Creatura
9 United States Magistrate Judge
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